

Exhibit B

1 Sean Howell, Bar No. 315967
2 GIBSON, DUNN & CRUTCHER
3 One Embarcadero Center
4 Suite 2600
5 San Francisco, CA 94111
6 Tel.: 415-393-8355
7 Fax: 415-801-7364
8 showell@gibsondunn.com

6 Raymond B. Ludwiszewski (*pro hac vice* forthcoming)
7 Rachel Levick (*pro hac vice* forthcoming)
8 GIBSON, DUNN & CRUTCHER
1700 M Street, N.W.
Washington, DC 20036
Tel.: 202-955-8500 ludwiszewski@gibsondunn.com
rlevick@gibsondunn.com

10 *Attorneys for Proposed Defendant-
Intervenors The Alliance for Automotive
Innovation and The National Automobile
Dealers Association*
11

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

OAKLAND DIVISION

15 || STATE OF CALIFORNIA, et al.,

Case No. 4:25-cv-04966-HSG

16 || Plaintiffs,

PROPOSED ANSWER OF THE ALLIANCE FOR AUTOMOTIVE INNOVATION AND THE NATIONAL AUTOMOBILE DEALERS ASSOCIATION

18 UNITED STATES OF AMERICA, et al.,

Administrative Procedure Act Case Action Filed: June 12, 2025

Defendant-Intervenors the Alliance for Automotive Innovation and the National Automobile Dealers Association, by and through their undersigned attorneys, answer Plaintiffs' June 12, 2025, Complaint as follows:

INTRODUCTION

5 1. Defendant-Intervenors admit that 42 U.S.C. § 7521(a) provides that the
6 Administrator of the United States Environmental Protection Agency (EPA) shall prescribe
7 standards applicable to the emission of any air pollutant from new motor vehicles, that 42 U.S.C.
8 § 7543(a) provides that no State shall adopt or attempt to enforce any standard relating to the control
9 of emissions from new motor vehicles, and that 42 U.S.C. § 7543(b)(1) allows EPA to waive
10 application of 42 U.S.C. § 7543(a) if certain enumerated conditions are satisfied. Otherwise, the
11 allegations in Paragraph 1 state legal arguments and conclusions to which no response is required.

12 2. The allegations in Paragraph 2 state legal arguments and conclusions to which no
13 response is required. To the extent a response is required, Defendant-Intervenors deny the
14 allegations for lack of knowledge and information sufficient to form a belief about the truth of the
15 allegations concerning other parties. The judicial opinions cited speak for themselves.

16 3. Defendant-Intervenors admit that 42 U.S.C. § 7543(b)(1) was enacted in 1967.
17 Otherwise, the allegations in Paragraph 3 state legal arguments and conclusions to which no
18 response is required. To the extent a response is required, Defendant-Intervenors deny the
19 allegations for lack of knowledge and information sufficient to form a belief about the truth of the
20 allegations concerning other parties. The judicial opinion cited speaks for itself.

21 4. Defendant-Intervenors admit that EPA published the Federal Register notices listed
22 in Paragraph 4 on the dates cited therein. Otherwise, the allegations in Paragraph 4 state legal
23 arguments and conclusions to which no response is required. To the extent a response is required,
24 Defendant-Intervenors deny the allegations for lack of knowledge and information sufficient to
25 form a belief about the truth of the allegations concerning other parties. The Federal Register
26 notices cited speak for themselves.

27 5. Defendant-Intervenors admit that, on May 22, 2025, the Senate adopted H.J. Res.

1 87, 88, 89, 119th Cong. (2025), and the President signed those resolutions on June 12, 2025. The
2 remaining allegations in Paragraph 5 state legal arguments and conclusions to which no response
3 is required. To the extent a response is required, Defendant-Intervenors deny the allegations for
4 lack of knowledge and information sufficient to form a belief about the truth of the allegations
5 concerning other parties. The Congressional resolutions cited speak for themselves.

6 6. The allegations in Paragraph 6 state legal arguments and conclusions to which no
7 response is required. The statutory provisions cited speak for themselves.

8 7. The allegations in Paragraph 7 state legal arguments and conclusions to which no
9 response is required. To the extent a response is required, Defendant-Intervenors deny the
10 allegations for lack of knowledge and information sufficient to form a belief about the truth of the
11 allegations concerning other parties. The judicial decision cited speaks for itself.

12 8. The allegations in Paragraph 8 state legal arguments and conclusions to which no
13 response is required. The judicial decisions cited speak for themselves.

14 9. The allegations in Paragraph 9 state legal arguments and conclusions to which no
15 response is required. To the extent a response is required, Defendant-Intervenors deny the
16 allegations for lack of knowledge and information sufficient to form a belief about the truth of the
17 allegations concerning other parties. The regulation cited speaks for itself.

18 10. The allegations in Paragraph 10 state legal arguments and conclusions to which no
19 response is required.

20 11. The allegations in Paragraph 11 state legal arguments and conclusions to which no
21 response is required. To the extent a response is required, Defendant-Intervenors deny the
22 allegations for lack of knowledge and information sufficient to form a belief as to the truth of the
23 allegations concerning other parties. The articles cited speak for themselves.

24 12. The allegations in Paragraph 12 state legal arguments and conclusions to which no
25 response is required. The judicial decisions cited speak for themselves.

26 13. The allegations in Paragraph 13 consist of Plaintiffs' characterization of the relief
27 Plaintiffs seek in this lawsuit to which no response is required. To the extent a response is required,
28

Defendant-Intervenors specifically deny that Plaintiffs are entitled to the relief sought, or any other relief.

PARTIES

14. The allegations in Paragraph 14 state legal arguments and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors admit that California is a state in the United States of America. Defendant-Intervenors otherwise deny the allegations for lack of knowledge and information sufficient to form a belief as to the truth of the allegations concerning other parties. The regulations cited speak for themselves.

15. The allegations in Paragraph 15 state legal arguments and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations for lack of knowledge and information sufficient to form a belief as to the truth of the allegations concerning other parties. The state statutory and regulatory provisions cited speak for themselves.

16. The allegations in Paragraph 16 state legal arguments and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations for lack of knowledge and information sufficient to form a belief as to the truth of the allegations concerning other parties. The state statutory and regulatory provisions cited speak for themselves.

17. The allegations in Paragraph 17 state legal arguments and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations for lack of knowledge and information sufficient to form a belief as to the truth of the allegations concerning other parties. The state statutory and regulatory provisions cited speak for themselves.

18. The allegations in Paragraph 18 state legal arguments and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations for lack of knowledge and information sufficient to form a belief as to the truth of the allegations concerning other parties. The state statutory and regulatory provisions cited speak for

1 themselves.

2 19. The allegations in Paragraph 19 state legal arguments and conclusions to which no
3 response is required. To the extent a response is required, Defendant-Intervenors deny the
4 allegations for lack of knowledge and information sufficient to form a belief as to the truth of the
5 allegations concerning other parties. The state statutory and regulatory provisions cited speak for
6 themselves.

7 20. The allegations in Paragraph 20 state legal arguments and conclusions to which no
8 response is required. To the extent a response is required, Defendant-Intervenors deny the
9 allegations for lack of knowledge and information sufficient to form a belief as to the truth of the
10 allegations concerning other parties. The state statutory and regulatory provisions cited speak for
11 themselves.

12 21. The allegations in Paragraph 21 state legal arguments and conclusions to which no
13 response is required. To the extent a response is required, Defendant-Intervenors deny the
14 allegations for lack of knowledge and information sufficient to form a belief as to the truth of the
15 allegations concerning other parties. The state statutory and regulatory provisions cited speak for
16 themselves.

17 22. The allegations in Paragraph 22 state legal arguments and conclusions to which no
18 response is required. To the extent a response is required, Defendant-Intervenors deny the
19 allegations for lack of knowledge and information sufficient to form a belief as to the truth of the
20 allegations concerning other parties. The state statutory and regulatory provisions cited speak for
21 themselves.

22 23. The allegations in Paragraph 23 state legal arguments and conclusions to which no
23 response is required. To the extent a response is required, Defendant-Intervenors deny the
24 allegations for lack of knowledge and information sufficient to form a belief as to the truth of the
25 allegations concerning other parties. The state statutory and regulatory provisions cited speak for
26 themselves.

27 24. The allegations in Paragraph 24 state legal arguments and conclusions to which no
28

1 response is required. To the extent a response is required, Defendant-Intervenors deny the
2 allegations for lack of knowledge and information sufficient to form a belief as to the truth of the
3 allegations concerning other parties. The state statutory and regulatory provisions cited speak for
4 themselves.

5 25. Admitted.

6 26. Admitted.

7 27. Defendant-Intervenors admit that Lee Zeldin is EPA Administrator. The remaining
8 allegations in Paragraph 27 state legal arguments, conclusions, and characterizations of Plaintiffs'
9 complaint to which no response is required.

10 28. Defendant-Intervenors admit that Donald J. Trump is the President of the United
11 States. The remaining allegations in Paragraph 28 state legal arguments, conclusions, and
12 characterizations of Plaintiffs' complaint to which no response is required.

13 **JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT**

14 29. The allegations in Paragraph 29 state legal arguments and conclusions to which no
15 response is required. The statutory provisions cited speak for themselves.

16 30. The allegations in Paragraph 30 state legal arguments and conclusions to which no
17 response is required. To the extent a response is required, Defendant-Intervenors deny the
18 allegations. The statutory provision and judicial decision cited speak for themselves.

19 31. The allegations in Paragraph 31 state legal arguments and conclusions to which no
20 response is required. The statutory provision cited speaks for itself.

21 32. The allegations in Paragraph 32 state legal arguments and conclusions to which no
22 response is required. The civil local rules cited speak for themselves.

23 **FACTUAL BACKGROUND**

24 33. The allegations contained in Paragraph 33 state legal arguments and conclusions to
25 which no response is required. To the extent a response is required, Defendant-Intervenors deny
26 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
27 the allegations concerning other parties. The statutory provisions and judicial provisions cited

1 speak for themselves.

2 34. The allegations contained in Paragraph 34 state legal arguments and conclusions to
3 which no response is required. To the extent a response is required, Defendant-Intervenors deny
4 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
5 the allegations concerning other parties. The statutory provisions and judicial provisions cited
6 speak for themselves.

7 35. The allegations contained in Paragraph 35 state legal arguments and conclusions to
8 which no response is required. To the extent a response is required, Defendant-Intervenors deny
9 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
10 the allegations concerning other parties. The statutory provisions and judicial provisions cited
11 speak for themselves.

12 36. The allegations contained in Paragraph 36 state legal arguments and conclusions to
13 which no response is required. To the extent a response is required, Defendant-Intervenors deny
14 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
15 the allegations concerning other parties. The statutory provisions and judicial provisions cited
16 speak for themselves.

17 37. The allegations contained in Paragraph 37 state legal arguments and conclusions to
18 which no response is required. To the extent a response is required, Defendant-Intervenors deny
19 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
20 the allegations concerning other parties. The statutory provisions and judicial provisions cited
21 speak for themselves.

22 38. The allegations contained in Paragraph 38 state legal arguments and conclusions to
23 which no response is required. To the extent a response is required, Defendant-Intervenors deny
24 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
25 the allegations concerning other parties. The statutory provisions and judicial provisions cited
26 speak for themselves.

27 39. The allegations contained in Paragraph 39 state legal arguments and conclusions to
28

1 which no response is required. To the extent a response is required, Defendant-Intervenors deny
2 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
3 the allegations concerning other parties. The statutory provisions and judicial provisions cited
4 speak for themselves.

5 40. The allegations contained in Paragraph 40 state legal arguments and conclusions to
6 which no response is required. To the extent a response is required, Defendant-Intervenors deny
7 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
8 the allegations concerning other parties. The statutory provision cited speaks for itself.

9 41. The allegations contained in Paragraph 41 state legal arguments and conclusions to
10 which no response is required. To the extent a response is required, Defendant-Intervenors deny
11 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
12 the allegations concerning other parties. The statutory provision and agency document cited speak
13 for themselves.

14 42. The allegations contained in Paragraph 42 state legal arguments and conclusions to
15 which no response is required. To the extent a response is required, Defendant-Intervenors deny
16 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
17 the allegations concerning other parties. The regulatory provisions cited speak for themselves.

18 43. The allegations contained in Paragraph 43 state legal arguments and conclusions to
19 which no response is required. The regulatory provisions cited speak for themselves.

20 44. The allegations contained in Paragraph 44 state legal arguments and conclusions to
21 which no response is required. To the extent a response is required, Defendant-Intervenors deny
22 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
23 the allegations concerning other parties. The regulatory provisions and agency documents cited
24 speak for themselves.

25 45. The allegations contained in Paragraph 45 state legal arguments and conclusions to
26 which no response is required. The regulatory provision cited speaks for itself.

27 46. Defendant-Intervenors lack sufficient knowledge and information to form a belief

1 about the truth of Plaintiffs' factual allegations in Paragraph 46 and, on that basis, deny the
2 allegations. To the extent a response is required, Defendant-Intervenors deny the allegations for
3 lack of knowledge and information sufficient to form a belief as to the truth of the allegations
4 concerning other parties. To the extent the remaining allegations are legal conclusions or seek to
5 characterize publicly available documents, the documents speak for themselves and no further
6 response is required.

7 47. The allegations contained in Paragraph 47 state legal arguments and conclusions to
8 which no response is required. To the extent a response is required, Defendant-Intervenors deny
9 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
10 the allegations concerning other parties.

11 48. Defendant-Intervenors lack sufficient knowledge and information to form a belief
12 about the truth of Plaintiffs' factual allegations in Paragraph 48 and, on that basis, deny the
13 allegations. To the extent a response is required, Defendant-Intervenors deny the allegations for
14 lack of knowledge and information sufficient to form a belief as to the truth of the allegations
15 concerning other parties. To the extent the remaining allegations are legal conclusions or seek to
16 characterize publicly available documents, the documents speak for themselves and no further
17 response is required.

18 49. Defendant-Intervenors lack sufficient knowledge and information to form a belief
19 about the truth of Plaintiffs' factual allegations in Paragraph 49 and, on that basis, deny the
20 allegations. To the extent a response is required, Defendant-Intervenors deny the allegations for
21 lack of knowledge and information sufficient to form a belief as to the truth of the allegations
22 concerning other parties. To the extent the remaining allegations are legal conclusions or seek to
23 characterize publicly available documents, the documents speak for themselves and no further
24 response is required.

25 50. Defendant-Intervenors lack sufficient knowledge and information to form a belief
26 about the truth of Plaintiffs' factual allegations in Paragraph 50 and, on that basis, deny the
27 allegations. To the extent a response is required, Defendant-Intervenors deny the allegations for
28

1 lack of knowledge and information sufficient to form a belief as to the truth of the allegations
2 concerning other parties. To the extent the remaining allegations are legal conclusions or seek to
3 characterize publicly available documents, the documents speak for themselves and no further
4 response is required.

5 51. The allegations contained in Paragraph 51 state legal arguments and conclusions to
6 which no response is required. The statutory provision cited speaks for itself.

7 52. The allegations contained in Paragraph 52 state legal arguments and conclusions to
8 which no response is required. The statutory provisions cited speak for themselves.

9 53. The allegations contained in Paragraph 53 state legal arguments and conclusions to
10 which no response is required. The statutory provisions and congressional resolution cited speak
11 for themselves.

12 54. The allegations contained in Paragraph 54 state legal arguments and conclusions to
13 which no response is required. The public document cited speaks for itself.

14 55. The allegations contained in Paragraph 55 state legal arguments and conclusions to
15 which no response is required. The statutory provisions cited speak for themselves.

16 56. Defendant-Intervenors admit that the CRA provides that “no determination, finding,
17 action, or omission under [it] shall be subject to judicial review.”

18 57. The allegations contained in Paragraph 57 state legal arguments and conclusions to
19 which no response is required. To the extent a response is required, Defendant-Intervenors deny
20 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
21 the allegations concerning other parties. The statutory provisions cited speak for themselves.

22 58. The allegations contained in Paragraph 58 state legal arguments and conclusions to
23 which no response is required. The judicial decision cited speaks for itself.

24 59. The allegations contained in Paragraph 59 state legal arguments and conclusions to
25 which no response is required. To the extent a response is required, Defendant-Intervenors deny
26 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
27 the allegations concerning other parties. The judicial decision cited speaks for itself.

1 60. Defendant-Intervenors lack sufficient knowledge and information to form a belief
2 about the truth of Plaintiffs' factual allegations in Paragraph 60 and, on that basis, deny the
3 allegations. To the extent the remaining allegations are legal conclusions or seek to characterize
4 publicly available documents, the documents speak for themselves and no further response is
5 required.

6 61. Defendant-Intervenors lack sufficient knowledge and information to form a belief
7 about the truth of Plaintiffs' factual allegations in Paragraph 61 and, on that basis, deny the
8 allegations. To the extent the remaining allegations are legal conclusions or seek to characterize
9 publicly available documents, the documents speak for themselves and no further response is
10 required. The judicial decision cited speaks for itself.

11 62. Defendant-Intervenors lack sufficient knowledge and information to form a belief
12 about the truth of Plaintiffs' factual allegations in Paragraph 62 and, on that basis, deny the
13 allegations. The remaining allegations are legal conclusions for which no response is required.

14 63. The allegations contained in Paragraph 63 state legal arguments and conclusions to
15 which no response is required. To the extent a response is required, Defendant-Intervenors deny
16 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
17 the allegations concerning other parties. The statutory provisions and judicial decision cited speak
18 for themselves.

19 64. The allegations contained in Paragraph 64 state legal arguments and conclusions to
20 which no response is required. To the extent a response is required, Defendant-Intervenors deny
21 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
22 the allegations concerning other parties. The statutory provision cited speaks for itself.

23 65. The allegations contained in Paragraph 65 state legal arguments and conclusions to
24 which no response is required. To the extent a response is required, Defendant-Intervenors deny
25 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
26 the allegations concerning other parties. The statutory and regulatory provisions cited speak for
27 themselves.

1 66. The allegations contained in Paragraph 66 state legal arguments and conclusions to
2 which no response is required. To the extent a response is required, Defendant-Intervenors deny
3 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
4 the allegations concerning other parties. The statutory provisions and public documents cited speak
5 for themselves.

6 67. Defendant-Intervenors lack sufficient knowledge and information to form a belief
7 about the truth of Plaintiffs' factual allegations in Paragraph 67 and, on that basis, deny the
8 allegations. The remaining allegations are legal conclusions for which no response is required.
9 The statutory provisions and public documents cited speak for themselves.

10 68. The allegations contained in Paragraph 68 state legal arguments and conclusions to
11 which no response is required. To the extent a response is required, Defendant-Intervenors deny
12 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
13 the allegations concerning other parties. The regulatory provision cited speaks for itself.

14 69. The allegations contained in Paragraph 69 state legal arguments and conclusions to
15 which no response is required. To the extent a response is required, Defendant-Intervenors deny
16 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
17 the allegations concerning other parties. The regulatory provision cited speaks for itself.

18 70. The allegations contained in Paragraph 70 state legal arguments and conclusions to
19 which no response is required. To the extent a response is required, Defendant-Intervenors deny
20 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
21 the allegations concerning other parties.

22 71. The allegations contained in Paragraph 71 state legal arguments and conclusions to
23 which no response is required. To the extent a response is required, Defendant-Intervenors deny
24 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
25 the allegations concerning other parties. The executive order cited speaks for itself.

26 72. The allegations contained in Paragraph 72 state legal arguments and conclusions to
27 which no response is required. To the extent a response is required, Defendant-Intervenors deny
28

1 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
2 the allegations concerning other parties. The executive order cited speaks for itself.

3 73. The allegations contained in Paragraph 73 state legal arguments and conclusions to
4 which no response is required. To the extent a response is required, Defendant-Intervenors deny
5 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
6 the allegations concerning other parties. The public document cited speaks for itself.

7 74. The allegations contained in Paragraph 74 state legal arguments and conclusions to
8 which no response is required. To the extent a response is required, Defendant-Intervenors deny
9 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
10 the allegations concerning other parties. The public document cited speaks for itself.

11 75. The allegations contained in Paragraph 75 state legal arguments and conclusions to
12 which no response is required. To the extent a response is required, Defendant-Intervenors deny
13 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
14 the allegations concerning other parties. The statutory provision cited speaks for itself.

15 76. The allegations contained in Paragraph 76 state legal arguments and conclusions to
16 which no response is required. To the extent a response is required, Defendant-Intervenors deny
17 the allegations for lack of knowledge and information sufficient to form a belief as to the truth of
18 the allegations concerning other parties. The public document cited speaks for itself.

19 77. Defendant-Intervenors admit that the EPA submitted the three waivers at issue to
20 the GAO and Congress on February 19, 2025. Defendant-Intervenors lack sufficient knowledge
21 and information to form a belief about the truth of Plaintiffs' remaining factual allegations in
22 Paragraph 77 and, on that basis, deny the allegations. The public documents cited speak for
23 themselves.

24 78. Defendant-Intervenors lack sufficient knowledge and information to form a belief
25 about the truth of Plaintiffs' factual allegations in Paragraph 78 and, on that basis, deny the
26 allegations. The remaining allegations contained in Paragraph 78 state legal arguments and
27 conclusions to which no response is required. The public document cited speaks for itself.

79. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 79 and, on that basis, deny the allegations. The public document cited speaks for itself.

80. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 80 and, on that basis, deny the allegations. The public document cited speaks for itself.

81. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 81 and, on that basis, deny the allegations. The public document cited speaks for itself.

82. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 82 and, on that basis, deny the allegations. The remaining allegations state legal arguments and conclusions to which no response is required.

83. Defendant-Intervenors admit that GAO published a letter entitled “Observations Regarding the Environmental Protection Agency’s Submission of Notices of Decision on Clean Air Act Preemption Waivers as Rules Under the Congressional Review Act” on March 6, 2025. *See U.S. Gov’t Accountability Off., B-337179 (Mar. 6, 2025).* The remaining allegations in Paragraph 83 state legal arguments and conclusions to which no response is required. The public document cited speaks for itself.

84. The allegations contained in Paragraph 84 state legal arguments and conclusions to which no response is required. To the extent a further response is required, Defendant-Intervenors deny the allegations for lack of knowledge and information sufficient to form a belief as to the truth of the allegations concerning other parties. The public document cited speaks for itself.

85. Defendant-Intervenors admit that on April 2, 2025, the House introduced joint resolutions 87, 88, and 89. *See H.J. Res. 87–89.* The remaining allegations in Paragraph 85 state legal arguments and conclusions to which no response is required. To the extent a further response is required, Defendant-Intervenors deny the allegations for lack of knowledge and information

sufficient to form a belief as to the truth of the allegations concerning other parties. The resolution cited speaks for itself.

86. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 86 and, on that basis, deny the allegations. The public document cited speaks for itself.

87. The allegations contained in Paragraph 87 state legal arguments and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations for lack of knowledge and information sufficient to form a belief as to the truth of the allegations concerning other parties.

88. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 88 and, on that basis, deny the allegations. The public document cited speaks for itself.

89. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 89 and, on that basis, deny the allegations. The remaining allegations state legal arguments and conclusions to which no response is required. The public documents cited speak for themselves.

90. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 90 and, on that basis, deny the allegations. The remaining allegations state legal arguments and conclusions to which no response is required. The public document cited speaks for itself.

91. The allegations contained in Paragraph 91 state legal arguments and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations for lack of knowledge and information sufficient to form a belief as to the truth of the allegations concerning other parties. The public documents cited speak for themselves.

92. Defendant-Intervenors lack sufficient knowledge and information to form a belief about the truth of Plaintiffs' factual allegations in Paragraph 92 and, on that basis, deny the allegations. The remaining allegations state legal arguments and conclusions to which no response

1 is required. The public documents cited speak for themselves.

2 93. Defendant-Intervenors lack sufficient knowledge and information to form a belief
3 about the truth of Plaintiffs' factual allegations in Paragraph 93 and, on that basis, deny the
4 allegations. The remaining allegations state legal arguments and conclusions to which no response
5 is required. The statutory provision and public document cited speak for themselves.

6 94. Defendant-Intervenors lack sufficient knowledge and information to form a belief
7 about the truth of Plaintiffs' factual allegations in Paragraph 94 and, on that basis, deny the
8 allegations. The remaining allegations state legal arguments and conclusions to which no response
9 is required. The public documents cited speak for themselves.

10 95. Defendant-Intervenors admit that the House voted to adopt H.J. Res. 87–89 on April
11 30, 2025. The remaining allegations in Paragraph 95 state legal arguments and conclusions to
12 which no response is required. The public document cited speaks for itself.

13 96. Defendant-Intervenors lack sufficient knowledge and information to form a belief
14 about the truth of Plaintiffs' factual allegations in Paragraph 96 and, on that basis, deny the
15 allegations. The remaining allegations state legal arguments and conclusions to which no response
16 is required. The public document cited speaks for itself.

17 97. Defendant-Intervenors lack sufficient knowledge and information to form a belief
18 about the truth of Plaintiffs' factual allegations in Paragraph 97 and, on that basis, deny the
19 allegations. The remaining allegations state legal arguments and conclusions to which no response
20 is required. The public document cited speaks for itself.

21 98. Defendant-Intervenors lack sufficient knowledge and information to form a belief
22 about the truth of Plaintiffs' factual allegations in Paragraph 98 and, on that basis, deny the
23 allegations. The remaining allegations state legal arguments and conclusions to which no response
24 is required. The public document cited speaks for itself.

25 99. Defendant-Intervenors lack sufficient knowledge and information to form a belief
26 about the truth of Plaintiffs' factual allegations in Paragraph 99 and, on that basis, deny the
27 allegations. The remaining allegations state legal arguments and conclusions to which no response
28

1 is required. The public document cited speaks for itself.

2 100. Defendant-Intervenors lack sufficient knowledge and information to form a belief
3 about the truth of Plaintiffs' factual allegations in Paragraph 100 and, on that basis, deny the
4 allegations. The remaining allegations state legal arguments and conclusions to which no response
5 is required. The public document cited speaks for itself.

6 101. Defendant-Intervenors lack sufficient knowledge and information to form a belief
7 about the truth of Plaintiffs' factual allegations in Paragraph 101 and, on that basis, deny the
8 allegations. The remaining allegations state legal arguments and conclusions to which no response
9 is required. The public document cited speaks for itself.

10 102. Defendant-Intervenors lack sufficient knowledge and information to form a belief
11 about the truth of Plaintiffs' factual allegations in Paragraph 102 and, on that basis, deny the
12 allegations. The remaining allegations state legal arguments and conclusions to which no response
13 is required. The statutory provision cited speaks for itself.

14 103. Defendant-Intervenors lack sufficient knowledge and information to form a belief
15 about the truth of Plaintiffs' factual allegations in Paragraph 103 and, on that basis, deny the
16 allegations. The remaining allegations state legal arguments and conclusions to which no response
17 is required. The public document cited speaks for itself.

18 104. Defendant-Intervenors lack sufficient knowledge and information to form a belief
19 about the truth of Plaintiffs' factual allegations in Paragraph 104 and, on that basis, deny the
20 allegations. The remaining allegations state legal arguments and conclusions to which no response
21 is required. The public document cited speaks for itself.

22 105. Defendant-Intervenors lack sufficient knowledge and information to form a belief
23 about the truth of Plaintiffs' factual allegations in Paragraph 105 and, on that basis, deny the
24 allegations. The remaining allegations state legal arguments and conclusions to which no response
25 is required. The public document cited speaks for itself.

26 106. Defendant-Intervenors lack sufficient knowledge and information to form a belief
27 about the truth of Plaintiffs' factual allegations in Paragraph 106 and, on that basis, deny the
28

1 allegations. The remaining allegations state legal arguments and conclusions to which no response
2 is required. The public document cited speaks for itself.

3 107. Defendant-Intervenors lack sufficient knowledge and information to form a belief
4 about the truth of Plaintiffs' factual allegations in Paragraph 107 and, on that basis, deny the
5 allegations. The remaining allegations state legal arguments and conclusions to which no response
6 is required. The public document cited speaks for itself.

7 108. Defendant-Intervenors lack sufficient knowledge and information to form a belief
8 about the truth of Plaintiffs' factual allegations in Paragraph 108 and, on that basis, deny the
9 allegations. The remaining allegations state legal arguments and conclusions to which no response
10 is required. The public document cited speaks for itself.

11 109. Defendant-Intervenors lack sufficient knowledge and information to form a belief
12 about the truth of Plaintiffs' factual allegations in Paragraph 109 and, on that basis, deny the
13 allegations. The remaining allegations state legal arguments and conclusions to which no response
14 is required. The public document cited speaks for itself.

15 110. Defendant-Intervenors lack sufficient knowledge and information to form a belief
16 about the truth of Plaintiffs' factual allegations in Paragraph 110 and, on that basis, deny the
17 allegations. The remaining allegations state legal arguments and conclusions to which no response
18 is required. The public document cited speaks for itself.

19 111. Admitted.

20 112. Defendant-Intervenors lack sufficient knowledge and information to form a belief
21 about the truth of Plaintiffs' factual allegations in Paragraph 112 and, on that basis, deny the
22 allegations. The remaining allegations state legal arguments and conclusions to which no response
23 is required. The public document cited speaks for itself.

24 113. Admitted.

25
26
27
28

CLAIMS FOR RELIEF

COUNT I

Ultra Vires – Conduct in Excess of Statutory Authority (Against All Defendants)

114. Defendant-Intervenors incorporate their responses to Paragraphs 1 through 113 herein as if separately pleaded.

115. The allegations contained in Paragraph 115 state Plaintiff's characterizations and legal conclusions to which no response is required.

116. The allegations contained in Paragraph 116 state Plaintiff's characterizations and legal conclusions to which no response is required.

117. The allegations contained in Paragraph 117 state Plaintiff's characterizations and legal conclusions to which no response is required.

118. The allegations contained in Paragraph 118 state Plaintiff's characterizations and legal conclusions to which no response is required.

119. The allegations contained in Paragraph 119 state Plaintiff's characterizations and legal conclusions to which no response is required. The judicial decision cited speaks for itself.

120. The allegations contained in Paragraph 120 state Plaintiff's characterizations and legal conclusions to which no response is required. The statutory provision speaks for itself.

121. The allegations contained in Paragraph 121 state Plaintiff's characterizations and legal conclusions to which no response is required. The statutory provisions speak for themselves.

COUNT II

Violation of the Administrative Procedure Act

(Against the United States, EPA, and Its Administrator)

122. Defendant-Intervenors incorporate their responses to Paragraphs 1 through 113
herein as if separately pleaded.

123. The allegations contained in Paragraph 123 state Plaintiff's characterizations and legal conclusions to which no response is required. The judicial decision cited speaks for itself

1 124. The allegations contained in Paragraph 124 state Plaintiff's characterizations and
2 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

3 125. The allegations contained in Paragraph 125 state Plaintiff's characterizations and
4 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

5 126. The allegations contained in Paragraph 126 state Plaintiff's characterizations and
6 legal conclusions to which no response is required.

7 127. The allegations contained in Paragraph 127 state Plaintiff's characterizations and
8 legal conclusions to which no response is required. The judicial decisions cited speak for
9 themselves.

10 128. The allegations contained in Paragraph 128 state Plaintiff's characterizations and
11 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

12 129. The allegations contained in Paragraph 129 state Plaintiff's characterizations and
13 legal conclusions to which no response is required. The statutory provisions cited speak for
14 themselves.

15 130. The allegations contained in Paragraph 130 state Plaintiff's characterizations and
16 legal conclusions to which no response is required. The judicial decision and statutory provision
17 cited speak for themselves.

18 131. The allegations contained in Paragraph 131 state Plaintiff's characterizations and
19 legal conclusions to which no response is required. The statutory provisions cited speak for
20 themselves.

21 132. The allegations contained in Paragraph 132 state Plaintiff's characterizations and
22 legal conclusions to which no response is required. The judicial decision cited speaks for itself.

23 133. The allegations contained in Paragraph 133 state Plaintiff's characterizations and
24 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

25 134. The allegations contained in Paragraph 134 state Plaintiff's characterizations and
26 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

27 135. The allegations contained in Paragraph 135 state Plaintiff's characterizations and
28

1 legal conclusions to which no response is required. The statutory provisions cited speak for
2 themselves.

3 **COUNT III**

4 **Violation of the Congressional Review Act**
5 **(Against All Defendants)**

6 136. Defendant-Intervenors incorporate their responses to Paragraphs 1 through 113
7 herein as if separately pleaded.

8 137. The allegations contained in Paragraph 137 state Plaintiff's characterizations and
9 legal conclusions to which no response is required.

10 138. The allegations contained in Paragraph 138 state Plaintiff's characterizations and
11 legal conclusions to which no response is required.

12 139. The allegations contained in Paragraph 139 state Plaintiff's characterizations and
13 legal conclusions to which no response is required.

14 140. The allegations contained in Paragraph 140 state Plaintiff's characterizations and
15 legal conclusions to which no response is required.

16 141. The allegations contained in Paragraph 141 state Plaintiff's characterizations and
17 legal conclusions to which no response is required. The judicial decision cited speaks for itself.

18 142. The allegations contained in Paragraph 142 state Plaintiff's characterizations and
19 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

20 143. The allegations contained in Paragraph 143 state Plaintiff's characterizations and
21 legal conclusions to which no response is required. The statutory decisions cited speak for
22 themselves.

23 **COUNT IV**

24 **Violation of the Take Care Clause**
25 **(Against President Trump, EPA, and Its Administrator)**

26 144. Defendant-Intervenors incorporate their responses to Paragraphs 1 through 113
27 herein as if separately pleaded.

145. The allegations contained in Paragraph 145 state Plaintiff's characterizations and legal conclusions to which no response is required. The constitutional provision cited speaks for itself.

146. The allegations contained in Paragraph 146 state Plaintiff's characterizations and legal conclusions to which no response is required.

147. The allegations contained in Paragraph 147 state Plaintiff's characterizations and legal conclusions to which no response is required.

148. The allegations contained in Paragraph 148 state Plaintiff's characterizations and legal conclusions to which no response is required.

149. The allegations contained in Paragraph 149 state Plaintiff's characterizations and legal conclusions to which no response is required.

150. The allegations contained in Paragraph 150 state Plaintiff's characterizations and legal conclusions to which no response is required.

151. The allegations contained in Paragraph 151 state Plaintiff's characterizations and legal conclusions to which no response is required. The statutory provision cited speaks for itself..

152. The allegations contained in Paragraph 152 state Plaintiff's characterizations and legal conclusions to which no response is required. The statutory provisions cited speak for themselves.

COUNT V

Violation of Separation of Powers

(Against All Defendants)

153. Defendant-Intervenors incorporate their responses to Paragraphs 1 through 113 herein as if separately pleaded.

154. The allegations contained in Paragraph 154 state Plaintiff's characterizations and legal conclusions to which no response is required. The judicial decision and constitutional provision cited speak for themselves.

155. The allegations contained in Paragraph 155 state Plaintiff's characterizations and

1 legal conclusions to which no response is required. The judicial decision cited speaks for itself.

2 156. The allegations contained in Paragraph 156 state Plaintiff's characterizations and
3 legal conclusions to which no response is required. The statutory provisions cited speak for
4 themselves.

5 157. The allegations contained in Paragraph 157 state Plaintiff's characterizations and
6 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

7 158. The allegations contained in Paragraph 158 state Plaintiff's characterizations and
8 legal conclusions to which no response is required. The constitutional provision cited speaks for
9 itself.

10 159. The allegations contained in Paragraph 159 state Plaintiff's characterizations and
11 legal conclusions to which no response is required. The judicial decisions cited speak for
12 themselves.

13 160. The allegations contained in Paragraph 160 state Plaintiff's characterizations and
14 legal conclusions to which no response is required. The judicial decision and public document
15 cited speak for themselves.

16 161. The allegations contained in Paragraph 161 state Plaintiff's characterizations and
17 legal conclusions to which no response is required. The judicial decisions cited speak for
18 themselves.

19 162. The allegations contained in Paragraph 162 state Plaintiff's characterizations and
20 legal conclusions to which no response is required. The judicial decisions cited speak for
21 themselves.

22 163. The allegations contained in Paragraph 163 state Plaintiff's characterizations and
23 legal conclusions to which no response is required. The judicial decision and constitutional
24 provision cited speak for themselves.

25 164. The allegations contained in Paragraph 164 state Plaintiff's characterizations and
26 legal conclusions to which no response is required. The judicial decision cited speaks for itself.

27 165. The allegations contained in Paragraph 165 state Plaintiff's characterizations and
28

1 legal conclusions to which no response is required. The judicial decision cited speaks for itself.

2 166. The allegations contained in Paragraph 166 state Plaintiff's characterizations and
3 legal conclusions to which no response is required. The judicial decision cited speaks for itself.

4 167. The allegations contained in Paragraph 167 state Plaintiff's characterizations and
5 legal conclusions to which no response is required. The judicial decision cited speaks for itself.

6 168. The allegations contained in Paragraph 168 state Plaintiff's characterizations and
7 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

8 169. The allegations contained in Paragraph 169 state Plaintiff's characterizations and
9 legal conclusions to which no response is required. The statutory provisions cited speak for
10 themselves.

11 **COUNT VI**

12 **Violation of Tenth Amendment and Structural Principles of Federalism**

13 **(Against All Defendants)**

14 170. Defendant-Intervenors incorporate their responses to Paragraphs 1 through 113
15 herein as if separately pleaded.

16 171. The allegations contained in Paragraph 171 state Plaintiff's characterizations and
17 legal conclusions to which no response is required. The judicial decisions cited speak for
18 themselves.

19 172. The allegations contained in Paragraph 172 state Plaintiff's characterizations and
20 legal conclusions to which no response is required.

21 173. The allegations contained in Paragraph 173 state Plaintiff's characterizations and
22 legal conclusions to which no response is required.

23 174. The allegations contained in Paragraph 174 state Plaintiff's characterizations and
24 legal conclusions to which no response is required.

25 175. The allegations contained in Paragraph 175 state Plaintiff's characterizations and
26 legal conclusions to which no response is required.

27 176. The allegations contained in Paragraph 176 state Plaintiff's characterizations and
28

1 legal conclusions to which no response is required. The judicial decisions and public document
2 cited speak for themselves.

3 177. The allegations contained in Paragraph 177 state Plaintiff's characterizations and
4 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

5 178. The allegations contained in Paragraph 178 state Plaintiff's characterizations and
6 legal conclusions to which no response is required. The statutory provisions cited speak for
7 themselves.

8 **COUNT VII**

9 **Nonstatutory Review: Violation of Federal Law by Federal Officials**
10 **(Against All Defendants)**

11 179. Defendant-Intervenors incorporate their responses to Paragraphs 1 through 113
12 herein as if separately pleaded.

13 180. The allegations contained in Paragraph 180 state Plaintiff's characterizations and
14 legal conclusions to which no response is required. The judicial decisions cited speak for
15 themselves.

16 181. The allegations contained in Paragraph 181 state Plaintiff's characterizations and
17 legal conclusions to which no response is required.

18 182. The allegations contained in Paragraph 182 state Plaintiff's characterizations and
19 legal conclusions to which no response is required.

20 183. The allegations contained in Paragraph 183 state Plaintiff's characterizations and
21 legal conclusions to which no response is required.

22 184. The allegations contained in Paragraph 184 state Plaintiff's characterizations and
23 legal conclusions to which no response is required. The statutory provision cited speaks for itself.

24 185. The allegations contained in Paragraph 185 state Plaintiff's characterizations and
25 legal conclusions to which no response is required.

26 186. The allegations contained in Paragraph 186 state Plaintiff's characterizations and
27 legal conclusions to which no response is required.

187. The allegations contained in Paragraph 187 state Plaintiff's characterizations and legal conclusions to which no response is required. The statutory provision cited speaks for itself.

188. The allegations contained in Paragraph 188 state Plaintiff's characterizations and legal conclusions to which no response is required. The statutory provisions cited speak for themselves.

PRAYER FOR RELIEF

The allegations set forth in Plaintiffs “Prayer for Relief” are conclusions of law for which no responsive pleading is required and which are therefore denied. To the extent the allegations in this paragraph are deemed in whole or in part to be factual, Defendant-Intervenors deny each and every allegation. Defendant-Intervenors further deny that Plaintiffs are entitled to any relief sought on any of their claims, or any other relief.

AFFIRMATIVE AND OTHER DEFENSES

Pursuant to Federal Rule of Civil Procedure 8(c), Defendant-Intervenors assert the following affirmative and other defenses. Assertion of a defense is not a concession that Defendant-Intervenors have the burden of proving the matter asserted. In addition to the defenses described below, Defendant-Intervenors expressly reserve the right to allege additional defenses as they become known.

FIRST AFFIRMATIVE DEFENSE

(Lack of Subject Matter Jurisdiction)

As a separate and distinct affirmative defense to the complaint and to each claim for relief contained therein, Defendant-Intervenors are informed and believe, and on that basis allege, that this Court lacks jurisdiction over some or all of Plaintiffs' claims.

SECOND AFFIRMATIVE DEFENSE

(Lack of Standing)

As a separate and distinct affirmative defense to the complaint and to each claim for relief contained therein, Defendant-Intervenors are informed and believe, and on that basis allege, that Plaintiffs lack standing to pursue some or all of their claims.

THIRD AFFIRMATIVE DEFENSE

(Lack of Justiciability)

As a separate and distinct affirmative defense to the complaint and to each claim for relief contained therein, Defendant-Intervenors are informed and believe, and on that basis allege, that some or all of Plaintiffs' claims are not justiciable.

FOURTH AFFIRMATIVE DEFENSE

(Failure to State a Claim)

As a separate and distinct affirmative defense to the complaint and to each claim for relief contained therein, Defendant-Intervenors are informed and believe, and on that basis allege, that Plaintiffs fail to state a claim upon which relief can be granted for some or all of their claims.

FIFTH AFFIRMATIVE DEFENSE

(Sovereign Immunity)

As a separate and distinct affirmative defense to the complaint and to each claim for relief contained therein, Defendant-Intervenors are informed and believe, and on that basis allege, that some or all of Plaintiffs' claims are barred by the doctrine of sovereign immunity.

SIXTH AFFIRMATIVE DEFENSE

(Preemption)

As a separate and distinct affirmative defense to the complaint and to each claim for relief contained therein, Defendant-Intervenors are informed and believe, and on that basis allege, that the regulations upon which Plaintiffs' base some or all of their claims are preempted by Section 209 of the Clean Air Act.

SEVENTH AFFIRMATIVE DEFENSE

(Dormant Commerce Clause)

As a separate and distinct affirmative defense to the complaint and to each claim for relief contained therein, Defendant-Intervenors are informed and believe, and on that basis allege, that some or all of Plaintiffs' claims are barred by the Dormant Commerce Clause doctrine derived from

1 the Commerce Clause of the U.S. Constitution.

2 **EIGHTH AFFIRMATIVE DEFENSE**

3 **(Incorporation of All Applicable Defenses)**

4 As a separate and distinct affirmative defense to the complaint and to each claim for relief
5 contained therein, Defendant-Intervenors assert all applicable defenses pled by all other defendants
6 to this Action, and hereby incorporates the same herein by reference

7 **NINTH AFFIRMATIVE DEFENSE**

8 **(Reservation of Right to Assert Additional Defenses)**

9 As a separate and distinct affirmative defense to the complaint and to each claim for relief
10 contained therein, Plaintiffs have failed to particularize its claims, or that Defendant-Intervenors'
11 lack of knowledge of the circumstances surrounding Plaintiffs' claims prevents them from asserting
12 all applicable defenses at this time. Upon further particularization of the claims by Plaintiffs or
13 upon discovery of further information concerning their claims, Defendant-Intervenors reserve the
14 right to assert additional defenses.

15 **PRAYER**

16 WHEREFORE, Defendant-Intervenors respectfully request:

17 A. That judgment be entered in favor of Defendant-Intervenors and the Federal
18 Defendants and against Plaintiffs with respect to each claim pleaded in the complaint and that this
19 action be dismissed in its entirety with prejudice;

20 B. That Plaintiffs takes nothing by way of their complaint;

21 C. That Defendant-Intervenors be granted his reasonable attorneys' fees, costs, and
22 expenses; and

23 D. That the Court award such other and further relief as it deems just and proper.

1
2 DATED: September 5, 2025

3 Respectfully submitted,

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
/s/ *Sean Howell*
Sean Howell, Bar No. 315967
GIBSON, DUNN & CRUTCHER
One Embarcadero Center
Suite 2600
San Francisco, CA 94111
Tel.: 415-393-8355
Fax: 415-801-7364
showell@gibsondunn.com

Raymond B. Ludwiszewski (*pro hac vice*
forthcoming)
Rachel Levick (*pro hac vice* forthcoming)
GIBSON, DUNN & CRUTCHER
1700 M Street, NW
Washington, DC 20036
Tel.: 202-955-8500
Fax: 202-467-0539
rludwiszewski@gibsondunn.com
rlevick@gibsondunn.com

Attorneys for Proposed Defendant-Intervenors
The Alliance for Automotive Innovation and
The National Automobile Dealers Association